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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,440	01/07/2002	Ryoji Hayashi	Q67948	4925

7590

04/08/2004

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
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3713

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DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,440

Applicant(s)

HAYASHI, RYOJI

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 01/20/04. The 103 rejection is maintained for the following reasons stated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication No. 07-108088 to Riyuuou in view of US Patent No. 5,320,351 to Suzuki.

In regard to claim 1, Riyuuou teaches a table unit on which a racecourse is provided (Fig. 3), a plurality of miniature race entities participating in a race (Fig. 3), a plurality of satellite terminals surrounding the racecourse for users to participate in the race game (Fig. 1 and 2). The satellite terminals have a monitor, a control panel, and a coin slot and return (0002), wherein the monitor displays the race competition (0006) captured by cameras (0015). Riyuuou does not teach that a participant is given a computer generated graphic image that displays the race competition. Suzuki teaches a virtual race wagering game that can generate computer images of the actual racing objects to provide a more realistic image for observers (Abstract). The images presented by Suzuki provide a virtual telescope of the race imagery. Riyuuou and Suzuki are related as race wagering simulations games where one would be motivated to modify Riyuuou to

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use the realistic computer images taught by Suzuki so that users can be presented with a more realistic feel of an actual live race (Suzuki 8:3-15).

In regard to claim 2, Riyuuou in view of Suzuki teaches user satellite terminals in a tiered fashion (Riyuuou Fig. 2).

In regard to claim 3, Riyuuou in view of Suzuki teaches that the race game has position detection, and that any angle of the racing objects can be detected and subsequently generated into a computer simulation of a real race (Suzuki 3:1-24).

In regard to claim 4, Riyuuou in view of Suzuki teaches of horses run by computer operation, which would include a race manager and a mechanical object controller (Riyuuou 0013-0014). The image generator as discussed in the 3 is generated by position detection, which is generated by management.

In regard to claim 5, Riyuuou in view of Suzuki teaches that detection switch, described as a coin in detection mechanism, is provided at the satellite terminals, wherein the terminal is not activated to display race information until activation of the switch (Suzuki 3:30-39).

In regard to claim 6, Riyuuou in view of Suzuki teaches the racing objects can be horses (Riyuuou 0002) and a player predicts the winning racehorse (0002).

Response to Arguments

Applicant's arguments and amendments regarding claim objections and 112 rejections are accepted and the objections and 112 rejections are withdrawn.

Applicant's arguments regarding the 103 rejections filed 01/20/04 have been fully considered but they are not persuasive. Applicant argues that Examiner's rejection using the combination of Riyuuou in view of Suzuki is in error and unsupported. Applicant's contention is

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that Suzuki does not teach the required virtual telescope as required in the instant invention.

Applicant asserts that the virtual telescope encompasses a variety of different viewing instruments that brings players spaced apart around the racing game unit that brings a sense of realism with respect to the race. As such, Applicant's language and arguments do not preclude Suzuki's disclosure of providing a viewing instrument to display the race for people that are too far to view the miniature characters. Suzuki's terminals can serve to display a variety of the game images (3:25-39), which would meet the requirements of a virtual telescope as defined by Applicant.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. No. 5,411,258 to Wilson et al. teaches computer generated race games provided on a user's terminal.

US Pat. No. 5,830,068 to Brenner et al. teaches providing race video on user terminals.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE


Teresa Walberg
Supervisory Patent Examiner
Group 3700